IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Contempt Petition No.266 of 2003

Ishwari Datt Pathak
S/o Sri Madho Ram
R/o Village Leunghar
P.O. Chaumail (Abbountmount)
District Champawat. ……..Applicant/Petitioner

Versus

1. Dr. Mukul Kumar Sati
   District Basic Education Officer
   Champawat, District Champawat.
2. Shri Ravindra Chandra Joshi
   Assistant Basic Education Officer
   Barakot, District Champawat.…….Respondents

Shri M.C. Pande, learned counsel for the petitioner.

Hon'ble Prafulla C. Pant, J.

Shri M.C. Pande, Advocate, is present on behalf of the applicant.

2. This contempt petition is filed, complaining disobedience of following order passed on 30.06.2003 in writ petition No. 312 (S/S) of 2003:-

" Shri H.M. Raturi, Advocate has accepted notice on behalf of the respondents. He prays for and is allowed three weeks' time to file counter affidavit.

List after three weeks.

In the meantime the petitioner shall be allowed to continue to work as a Teacher till the end of academic session i.e. 30th June, 2004."

3. Learned counsel for the petitioner submitted before this Court that the petitioner is not being paid retrial benefits. It is further submitted that he was not paid full salary. Counter affidavits, filed by the respondents, show that the petitioner was allowed to continue as per the direction of the Court till 30th June, 2004. In the circumstances, it is evident from the perusal of the order quoted above that there is no direction in this order to pay the retrial benefits to the petitioner. That appears to be a fresh cause of action to the petitioner.

4. In the circumstances, the grievance as to the non-payment of retrial benefits cannot be mixed up with the direction to continue in service till the close of academic session i.e. 30th June, 2004.

5. With above observation, the contempt petition is dismissed. Notices are discharged.

(Prafulla C. Pant, J.)

Dt: 01.08.2006
Sweta